

REMARKS

SUMMARY:

The present application sets forth original claims 1-22 of which claims 1, 18 and - 22 are independent claims. Claims 18-22 stand withdrawn based on the restriction requirement. Amendments are submitted and requested entry for claims 1-22. The amendments to claims 1-22 are clarifying amendments submitted to comply with a requirement of form such that specific language set forth in the claims properly corresponds to corresponding antecedents. The drawings stand objected to as allegedly failing to comply with 37 CFR 1.84(p)(5) in that certain reference characters described in the specification are not shown. The drawings stand further objected to under 37 CFR 1.83(a) as allegedly failing to show every feature of the invention, in particular, the claimed method steps. The drawings stand further objected to for lack of descriptive labels. Each of these objections to the drawings are addressed by presentation of revised Figures 1-5 and newly submitted Figures 6a, 6b, 6c, 6d, 6e, and 7. The specification was objected to for failure to include a brief description of Figure 5. This inadvertent oversight has been corrected herein. None of the amendments add any new matter to the subject application.

REJECTION OF ORIGINAL CLAIMS 1-17 (35 U.S.C. §112, first paragraph:

Original claims 1-17 stand rejected under 35 U.S.C §112, first paragraph as allegedly failing to comply with the enablement requirement. Based on the following remarks, Applicants respectfully traverse such alleged lack of enablement.

In general, the present technology is directed toward transmission of telephone related signals wherein at least two different types of data are transmitted. A first of the two types is given priority for transmission based on selected parameters and the second of the two types is transmitted based in part on bandwidth availability.

The recent Office Action has raised several questions regarding enablement and has included comments in general to the effect that “The specification is not helpful in describing how the process steps are accomplished ... and (t)he device elements ... are described as to what they do rather than how they do these functions.”

Applicants strongly object to these characterizations of their disclosure at least as related to the presently claimed subject matter. Applicants respectfully assert that they have presented their disclosure in a form as required by 35 U.S.C. §112, first paragraph, so “as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same...” Such level of disclosure being directed to those of ordinary skill in the art certainly does not require the minutia of circuit design or specific circuit examples to be fully respondent to the requirements of 35 U.S.C. §112, first paragraph as these are matters of common knowledge to such individuals. Rather only the direction that certain aspects be implemented is quite sufficient to such persons of ordinary skill in the art.

For example, the Office Action alleges that the drawings do not show a multiplexing element and raises issues regarding multiplexing “using several frequencies on the same channel” The Examiner’s attention is respectfully directed to the specification starting at page 17, line 16, reproduced below for the Examiner’s convenience (emphasis added):

Further explained, the user may want one piece of data over the other or even to halt voice to receive other data if required or requested. A pre-programmed message informing of a pause or call termination may be programmed in at the phone to notify the phone user and at the SCC or CBU for the call recipient to inform them of the call be suspended or terminated. This flexibility allows IIS to make the GTL digital phone fingerprint design possible. Biometrics data is also multiplexed with voice and data over the same line. The voice data at the digital phone is converted from analog to digital by use of a codec then digitally transmitted to the CBU. Then the CBU CPU sends the data to the

requesting API on demand via API calls as required. The data transmissions are controlled by the Programmable Logic Levels (PLL).

Applicants assert it would be well understood by those of ordinary skill in the art that the CPU 18 and associated API 42 of CBU 32 as seen in Figure 2 provide the multiplexing functionality. Further, those of ordinary skill in the art would be well acquainted with the concept of multiplexing signals in various forms and formats including digital multiplexing as well as multiple-tone multiplexing. Thus the reference to claims 15 and 16 and the question regarding “using several frequencies on the same channel” would also be a concept well understood by those of ordinary skill in the art and would thus require only the minimalist disclosure of such to fully teach the claimed invention to those of ordinary skill in the art.

As to the question regarding “sending data in both directions on the first line”: Applicants also assert that those of ordinary skill in the art should be fully versed in the concept of full-duplex communications, and thus would most certainly understand this claim aspect without any further direction from the inventors.

The recent Office Action raises issues regarding the use of “IIS proprietary networking protocol” asking whether this is “publicly disclosed proprietary protocol or is it kept non-publicly disclosed?” Applicants assert that such question is not germane to the issue as there have not been nor are there now any claims to the specifically mentioned protocol. Rather this particular protocol is given as an example of a protocol that can be used “to achieve full-duplex protocol over the second pair...” as recognized in the recent Office Action. For general information, however, information regarding Internet Information Server (IIS) can easily be found on the Internet, for example, at Microsoft support at <http://support.microsoft.com/kb/283679>. In this light, Applicants assert that IIS protocol is, indeed, a well known protocol so that no further explanation of the protocol would be necessary for those of ordinary skill in the art.

The recent Office Action has required drawing figures illustrating a “flow diagram showing the claimed process.” Applicants now present new Figures 6a, 6b, 6c, 6d, 6e, and 7 illustrating such. It should be appreciated that the information present in these

new Figures is, itself, not new to the disclosure as such figures are based directly on the original disclosure found on pages 25 and 26 of the original disclosure.

Finally, the recent Office Action has asked several specific questions as follows:

“How is the “generating data” performed? How is the “prioritizing” performed? How is the “determining bandwidth” performed? How is the “sending the data” performed? How is the “using bandwidth as available” performed?

Applicants respectfully point their entire disclosure for answers to these question but suggest starting at the bottom of page 5 at line 21 wherein the specification recites (as presently clarified by amendments herein above presented):

The protocol used not only changes or varies the data format for different data types, but also changes the way that the data is packaged in order to get maximum benefit from the available bandwidth given the user specified priorities in the software. If, for example, the voice is to come in first, then the software loaded on the CPU is able to allow for the voice to come in prioritized, although potentially at a reduced quality, and fit [to] in also the remaining non-voice data as required and allowed by band width. Ultimately, all data (subject to user elected dumping) makes it from the phone to the CBU and from the CBU to the remote data processor ~~30~~ (server computer 30). The data comes in on a specified and configurable priority which is programmatically set.

Applicants respectfully submit that those of ordinary skill in the art will well understand from a reading of their disclosure that all these questions are fully answered therein at least to the level required by such individuals to fully understand the claimed invention. For example, data is generated in a number of ways including through fingerprint detection, voice, etc. Priority is given to the type of data to transmit based on choice of the system operator so that information transmitted will fit into the bandwidth available. Those of ordinary skill in the art of communications most assuredly understand that any transmission methodology has inherent limitations as to the amount of data that can be sent of the transmission medium. It is the very essence of the present subject matter that choices are made, that is, prioritization is given, to certain types of data over other types as bandwidth is available to send data. As explained in the portion of the specification supplied above, Voice data is sent at a reduced quality if

other data, perhaps fingerprint data, is also desired. Determining bandwidth and techniques for transmitting data are rudimentary to those of ordinary skill in the art to which this subject matter pertains and, Applicants assert, would be well understood by anyone of ordinary skill in the art.

REJECTION OF ORIGINAL CLAIMS 1-17 (35 U.S.C. §112, second paragraph)

Original claims 1-17 stand rejected under 35 U.S.C. §112, second paragraph as allegedly being indefinite.

Applicants have proposed extensive amendments to the presently active claims as well as to the withdrawn claims that they believe are fully responsive to each of the issues raised in the recent Office Action.

CONCLUSION:

Inasmuch as all outstanding issues have been addressed, it is respectfully submitted that the present application, including presently submitted claims 1-17, is in complete condition for issuance of a formal Notice of Allowance, an action to such effect is earnestly solicited. The Examiner is invited to telephone the undersigned at his convenience should only minor issues remain after consideration of this response in order to permit early resolution of same.

Respectfully submitted,

DORITY & MANNING,
ATTORNEYS AT LAW, P.A.

A handwritten signature in cursive script, appearing to read "Richard M. Moose", written over a horizontal line.

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